

REMARKS

The provisional election of claims 1-13 is affirmed.

The Examiner's indication that claim 13 would be allowable with rewritten in independent form is noted with appreciation. Original claim 13 has been rewritten as new claim 27.

Claims 1-10 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,849,285 to Masek. It is respectfully submitted that claims 1-10, as presently recited, are not anticipated by Masek.

Masek does not disclose first and second inner members that are interchangeable, as presently recited in claim 1, and by dependency in claims 2-10, that are conjoinable with a first type of outer member and a second type of outer member having differing shape or configurations. Instead, Masek discloses three different types of items placed inside cartridges. Specifically, Masek discloses a fabric 13 in cartridge 8, a valve 23 in cartridge 17, and a flexible plastic foam layer 30 in cartridge 25. There is no disclosure, for example, that the valve 23 of cartridge 17 could be interchanged with the plastic foam layer 30 in cartridge 25.

With respect to claim 6, which has been rewritten in independent form, the Office action identifies no disclosure in Masek of a second type of inner member that is suitable for entraining a plurality of air bubbles in the dispensed beverage.

With respect to claim 7, the Office action identifies no disclosure in Masek of a frame having a filter disposed thereupon, and wherein a peripheral rim of the frame is conjoined to the selected type of outer member by welding.

With respect to claim 8, the Office action identifies no disclosure in Masek of a second type of inner member having means for producing a jet of the beverage, which means comprises an aperture in a beverage flow path between an inlet and an outlet of the cartridge.

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Claims 11 and 12 are believed to be rejected under 35 U.S.C. 103(a) as being unpatentable over Masek. Given the above discussion of Masek with respect to claim 1, from which claims 11 and 12 depend, it is respectfully submitted that claims 11 and 12 are not unpatentable over Masek.

For the reasons set forth above, claims 1-13 and 27 are believed to be allowable, and reconsideration and allowance of claims 1-13 and 27 are respectfully requested.

The Commissioner is hereby authorized to charge any which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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